रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, शुक्रवार, मार्च 14, 1975/फाल्गुन 23, 1896

No. 11] NEW DELHI, FRIDAY, MARCH 14, 1975/PHALGUNA 23, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है कि जिससे यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 14th March, 1975:—

BILL NO. LIV OF 1974

A Bill to provide for the grant and regulation of pension, gratuity, dearness and other allowances and benefits, payable by the Central Government to its employees, or their dependents, on retirement, voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title, extent, application and commencement.

1. (*1*) This Act may be called the Pensions (Regulation) Act, 1974.

(*2*) It shall extend to the whole of India.

(3) It shall not apply to members of an all-India services or of any of the Armed Forces of the Union.

(*4*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident or leave;

(*ii*) "dependents" means and includes a wife, husband, parents, child, minor brother, unmarried sister, deceased son's widow and children;

(*iii*) "family pension" means the pension referred to in section 15:

(*iv*) "Government" means the Central Government;

(*v*) "Government servant" means any officer or servant continued, appointed or employed in India by or under the authority of the Government;

(*vi*) "interim pension" means the pension referred to in section 9;

(*vii*) "pensioner" means and includes an ex-employee of the Government, who is receiving pension, or is entitled to receive pension under this Act or the rules made thereunder;

(*viii*) "Pension Revision Committee" means a Committee constituted under section 10 of the Act;

(*ix*) "prescribed" means prescribed by rules made under this Act;

(*x*) "principle of parity" means that the pensioners shall be brought on to the corresponding scale of pay of the existing Central Government employees and pensions fixed on the revised scale of pay and emoluments fixed for the existing Central Government employees;

(*xi*) "salary" includes monthly pay and allowances other than the dearness allowances paid to a Government servant; and

(*xii*) "superannuation" means the attainment by the Government servant of such age as is fixed or may be fixed by the Government as the age on the attainment of which the Government servant shall retire from service.

Overriding effects of the Act.

3. Save as otherwise expressly provided in this Act, any provision of the Civil Service Regulations in force immediately before the commencement of this Act shall cease to have effect in so far as they are inconsistent with any of the provisions contained in this Act.

Retirement owing to invalidation.

4. Every Government servant who retires or is retired from service owing to invalidation shall be entitled to receive gratuity which shall be five times the salary last drawn by him before such retirement, and pension at such rate as may be prescribed:

Provided that if the Government servant, after such retirement is engaged in any service, trade or profession the Government may suspend the payment of the pension or any part thereof during the period of such service, trade or profession as the case may be.

Voluntary retirement.

5. A Government servant who has rendered continuous service for not less than twenty years shall have the right to retire from service at any time thereafter and shall, on retirement, be entitled to receive gratuity and pension at such rates and in such manner as may be prescribed.

Compulsory retirement.

6. A Government servant who is made to retire compulsorily from service may, having regard to all the circumstances of the case, be granted such gratuity and/or pension and/or other benefits referred to in section 8 as the Government may think fit.

Superannuation.

7. A Government servant shall on superannuation be entitled to such pension and gratuity as may be prescribed.

Other benefits.

8. A Government servant, who is entitled to pension and gratuity under sections 4, 5 and 7, shall be entitled to receive,—

(*a*) dearness allowance;

(*b*) house rent allowance;

(*c*) educational facilities;

(*d*) long term loans on low interest for construction or purchase of house; and

(*e*) medical benefits at such rates and on such conditions as may be prescribed.

Review and revision of pension to be undertaken along with revision of pay of serving Central Government employees.

9. Whenever the question of revision of pay of serving Central Government employees is undertaken, warranted by a rise in the cost of living index or otherwise, the question of review and revision of pensions shall also simultaneously be undertaken by the agency entrusted with the task of revision of pay of the serving Central Government employees.

Pension Revision Committee.

10. A 'Pension Revision Committee' consisting of such number of members of Parliament as may be prescribed with a representative of pensioners co-opted to such Committee, shall be constituted by the Government whenever rise in the cost of living index or otherwise warrants the activation of such a Committee and this Committee shall look into the question of review and revision of pensions based on the 'Principle of Parity'.

Commencement of pension and interim pension.

11. The amount of pension fixed at the prescribed rates shall become payable from the day following the day on which a Government servant retires:

Provided that within two months from the date of the pensioner's retirement, Government shall send to him an order, addressed to the Treasury Officer as indicated by the Government servant, specifying the rates at which an interim pension shall be paid to the pensioner concerned if the amount of the pension has not been finally computed and fixed till then and upon receipt of such order; the pensioner shall be entitled to draw interim pension at the rate so specified in the said order with effect from the day following the day of his retirement, until the amount of his pension is finally fixed:

Provided further that the amount of the interim pension so received by the pensioner may, in due course, be adjusted towards the pension which shall become due and payable to him in accordance with this Act and the rules made thereunder.

Interest on gratuity

12. If the amount of gratuity payable under this Act is not paid by the Government to the pensioner within two months from the date of his retirement and if the delay in such payment is not attributable to any lapse on his part he shall also be entitled to receive an interest on the amount of gratuity, at the rate of six per cent. per annum from the date of his retirement to the date of payment of gratuity.

Nomination.

13. A Government servant may, at any time while in service, nominate one or more of his dependents to receive after the death of the Government servant the arrears of gratuity, pension, and other allowances payable under this Act and the rules made thereunder and the payment to such nominee or nominees, if more than one, as the case may be shall relieve the Government of all liability arising out of any claim under this Act.

Commutation of pension.

14. The Government may, on an application made to it in writing by the pensioner, order any part of the pension payable but not exceeding one half thereof to be commuted for the remaining part of the pensioner's life or for ten years whichever is earlier, for a lump sum of money, on such terms as may be prescribed:

Provided if the pensioner survives the commutation period, full pension shall be granted to him from the date from which he survives the commutation period.

Family Pension.

15. After the death of a pensioner,—

(*i*) the surviving widow or widower, as the case may be;

(*ii*) the minor sons and daughters until they attain the age of 21 years or until they marry, whichever event takes place earlier; and

(*iii*) the dependent parents;

shall be entitled to get family pension at such rate as may be prescribed, in the order mentioned above so that those prior in the order shall exclude the next ones below, but those in the same group shall receive equally.

Exemption of pensions from attachment.

16. No pension, gratuity and other benefits payable under this Act and the rules made thereunder and no amount or claim arising out of such pension, gratuity or benefit shall be liable to seizure, attachment or any other process in execution of any decree or order of any civil, revenue or criminal court.

Assignment, etc. in anticipation of pension or benefit to be void.

17. Save as provided in Section 14, all assignments, agreements, orders, sales and securities of any kind made, entered into, issued, executed by the person entitled to any pension, gratuity or any benefit under this Act in respect of any money or amount not payable before or at the time of the making thereof on account of any such pension, gratuity or benefit, or for giving or assigning any future interest therein, shall be void and be of no effect.

Application of sections 7 and 9 to pensioners retired before the commencement of this Act.

18. The provisions contained in sections 8 and 12 shall apply to the Government servant who has retired from service before the commencement of this Act.

Bar of jurisdiction of civil courts and settlement of disputes.

19. (*1*) No civil court shall have jurisdiction in respect of any dispute regarding any claim arising under this Act;

(*2*) Any dispute regarding any claim under this Act shall be heard and decided by such authority as may be prescribed;

(*3*) The authority shall, in deciding the disputes under this Act, follow such procedure as may be prescribed; and

(*4*) The decision of the authority on such dispute shall be final and be executable in the same manner as the recovery of arrears of land revenue.

Power to make rules.

20. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the rates at which pension and gratuity may be granted to a pensioner;

(*b*) the rates at which and the conditions subject to which other benefits may be granted under section 7;

(*c*) the terms and conditions subject to which pension may be commuted;

(*d*) the authority by which disputes under this Act may be decided and the procedure to be followed by the authority in respect thereof; and

(*e*) the Constitution of the Pensions Revision Committee; and

(*f*) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal.

21. The Pensions Act, 1871, in so far as it applies to the Central Government employees, is hereby repealed. 23 of 1871.

STATEMENT OF OBJECTS AND REASONS

There are at present more than eight million Central Government pensioners who are still governed and regulated by the out-dated and out-moded Pensions Act of 1871. That Act does not confer any right to pension or pensionary benefits and is not in consonance with the modern concept of social security. Three Pay Commissions appointed by the Government so far have evaded the question of pensioners on the plea that it was not within the terms of reference of the Commissions. While the Government servants are given dearness allowances when there is an increase in the cost of living, pensioners do not get any such benefit. This Bill seeks to do justice to the pensioners by instituting the principle of party, and enable them to get dearness allowances on the same scale as is made available to the Central Government employees. The Bill also seeks to extend to the pensioners such other benefits as house-rent allowance, medical facilities, long term easy loans etc. It is absolutely essential that a comprehensive Bill dealing with the pensioners should be enacted at an early date.

Hence this Bill.

VISWANATHA MENON

FINANCIAL MEMORANDUM

The actual expenditure which the Government will require initially to meet the provisions of this Act will not be much because the pension, gratuity and other benefits to be given under this Act are left to be provided for by rules, and hence the Government can in the beginning provide for such benefits on a reasonable scale, and can go on increasing them as its financial position improves. For the first few years, the additional liability may not go beyond two or three crores of rupees.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The matters in respect of which such rules may be made are matters of procedure or administrative details. The delegation of legislative power is thus of a normal character.

B. N. BANERJEE,

Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1975